

United States District Court
Southern District of New York

6-19-22

Carl Brown

plaintiff

- against -

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/29/2022

19-CV-02296 NRS

Third Amended
Complaint

Former, Supt of Green Haven Thomas Griffin. (prisoner)
Egt. Zikriya Reyes-Jordan, LT Susan Hann,
Supt Lamanna: LT Buccola, Dss. A. Russo, Do you want a jury
C.O. Daniel Huttel, Co. Clifford Gunset, Co. Steven trial? yes no
purcell, Co. James Garcia, Co. Keith Daishawa.
Co. Jeffery Bengim, Dr. Yelena Karabkova.
Co. Fonseca, Co. Robert Womacko, Sgt Dennis
Benitez Jr. Lt. Bryan P. Anspach, Co. Damon M.
Rusman, Co. Craig F Doyle, Co. Christina Lorenzo.
Capt. Bay, Lt. Robert Hotaling, and Anthony Anucci
~~At~~ Commissioner for DOCCS

Defendants.

Docket in case # 19 CV 2296

1 parties in this Complaint

AS: Third Amended Complaint

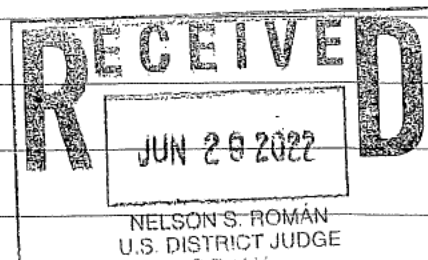
Date: 06/29/2022

Plaintiff Name Carl Brown ID# 0190717

Current Institution Great Meadow Correctional Facility

Address P.O. Box 51 Cornstock, N.Y. 12821-0051

List all Defendants



Defendant #2

Name former, Supt of Green Haven Thomas Griffin Shield
where currently Employed, Address 594 State Route, 216
Stormville N.Y. 12582

Defendant #2 Sgt. Zikya Reyes-Jordan Shield

where currently Employed Green Haven Corr fac
Address 594 Stater route, 216 Stormville N.Y. 12582

Defendant #3 L.T. Susan Hann Shield

where currently Employed Green Haven Corr fac
Address 594 Stater route, 216 Stormville N.Y. 12582

Defendant #4 ~~Supt~~ LaManna Shield

where currently Employed Green Haven Corr fac
Address 594 Stater route, 216 Stormville N.Y. 12582

Defendant #5 L.T. Orazio Bucolo Shield

where currently Employed Green Haven Corr fac
Address 594 Stater route, 216 Stormville N.Y. 12582

Defendant #6 DSS A. Russo Shield

where currently Employed Green Haven Corr fac
Address 594 Stater route, 216 Stormville N.Y. 12582

Defendant #7 Co. Daniel Hutte Shield

where currently Employed Green Haven Corr fac
Address 594 Stater route, 216 Stormville N.Y. 12582

Defendant #8 Co. Clifford Gunset Shield
where Currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #9 Co. Steven Purcell, Jr Shield
where Currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #10 Co. James Garcia Shield
where Currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #11 Co. Keith Daishawn Shield
where currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #12 Co. Jeffery Benjamin Shield
where Currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #13 Dr. Yelena Korobkova Shield
where Currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #14 Co. Fonseca Shield
where Currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

~~Defendant #15 Co. Robert [unclear] Shield~~

Defendant #15 co. Robert Womack Shield
where currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville, N.Y. 12582

Defendant #16 Sgt. Dennis Benitez Jr. Shield
where currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #17 L.T. Bryan p. Anspach Shield
where currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #18 co. Damon m. Ausman Shield
where currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #19 Co. Craig F. Doyle Shield
where currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #20 co. Christiana Lorenzo Shield
where currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defend #21 Capt Bey Shield
where currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #22 Lt. Robert Hotaling Shield
where currently Employed Green Haven Corr fac
Address 594 State route, 216 Stormville N.Y. 12582

Defendant #23 Anthony Annucci Acting Commissioner for DOCS
where currently Employed DOCS.
Address 1220 Washington Ave. Albany N.Y. 12226

Defendant #24 Co. Steven Purcell Sr.
where currently Employed Green Haven Corr fac
Address 594 State Route, 216 Stormville N.Y. 12582

II Statement of Claim

A. In what Institution did the event rise to your claim(s) occur?

Green Haven Corr fac 594 State route, 216 Stormville N.Y. 12582

B. where in the Institution did the events giving rise to your claim(s) occur?

H-Block, B-Block and Itallway, E-Block A-Block, all of which occurred within the Green Haven Corr fac

C. what date and approximate time did the events give rise to your claim(s) while being housed at the Green Haven Corr fac. From 2016 until 2018

Statement Facts

the Facts of this law Suit. For reason the Supt, DSS, L.T.s and the Sgt and Officers are liable for what Happ to me, for the Sex assault are assaults and denied medical, Shit is is food and Shiting my property down, and Stop mail for going out, and assault buy leting the officer Nick me why I was in a Sling now I have Injury for life, and they are liable for leting officer Set me up with Zmates and Saying that I am a RapD Home, that I am lockup for boys, and He is the son of Beery Gordy Jr. and all of his misconduct and Sex assault they was aware of it, buy me write to Supt and DSS and L.T.s and Sgt, and when they Come ~~at the time~~ ^{argued to} talk to Zmates, it was told to them in that way and letter was Send over and over to them. I put in Grievances over and over I send to all of them. So if you are the Head of the Facility, you have the power to Stop it so that what make them liable for what Happ to me, they had all the time to get me out the fac. my Call was Set on fire 2 time. the first time they had the righ to move me, my family Call Send lotte my wife call Send letter and, ever time I got Sex assault buy officers the Dr. yelena Korobkova © it u, and lie for the officer, and told the Nurses not to Help me. when some did want to Help.

For the reason that Co. Keith Dais hawn put Buck in
 Suit because He was down with Sgt. Zihya Reyes-Jordan
 and ever time He Seeing me He put me on the wall
 and pat frisk me and put his hand and dick on
 my ass why his dick was hard and put his hand
 on my dick why He pat frisking me, and Say How
 you like it now, like you did to the boys and
 the Sgt was riyth them and didnt Stop them, and
 He Seeing me again and Set my ID on fire, and
 wrote on it you are RapO. and Set my Cell on
 fire when Z was on the Visit, and 2017-2018

For the reason that Co. James Garcia be put Buck in
 this law suit is because Herman Reyes and Keith
 jump me in ~~B-Block~~ B-Block and Co. Garcia Cut my
 water officer for about 15 day, and ever time He
 work Z can never come out my Cell for about
 a month, and then He jump me again in the Hall
 way, and He know Zam muslim but He was telling
~~Threat~~ that Zam Home and try to get me Kill. 201
 2018.

The reason Co. Robert Womacsko and Co. Craig F. Doyle
 for the Sex Assault me going to the Visit He ~~take~~ ^{came}
 the A-Block and ~~came~~ and pat frisk me for Z go it
 to visit my wife, and grabbed my Ball and Hold them
 in his hand, and Say How that feel RapO and Kicks
 me in my Ball, and told that Sgt and take me

and He take me to medical, and my Balls was so big and Dr. Yelena Korobkova told the nurse they will go down, you don't need to make no report about it, but 2 Grievance it, and this is the same 2 Officer ever time 2 go to visit He Have a pictures on the Housing Unit, and they Sex assault me 2 time but the report was made and rubs the pass on his dick ever time 2 go to visit, and T. is on the floor.

For the reason that co. Christina Lorenzo that she be put back in the lawsuit is because she had the 2 inmate to jump me is Z.p.c and had Ro. Keith to send my cell on fire He is Reyes, and Garcia and Jeffery and Ausman and Fonseca was down with ever, but Her and Reyes had them to do all what they did to me. Had them to move me to Z.p.c.

For the reason co. Fonseca and co. Ausman to be put back in this lawsuit for this reason on 1-1-19. they have a 2 inmate to jump me for behind and told He that Brown is Rap O, and ~~At~~ Home you jump He and cut ~~the~~ ^{we} will put He as the one State it, and He jump me for behind and they jump me with Hand Cuff, the take his (N) out and Stabbed me in my arm, and they try to fuck me. the Officer is gay, and then they put me

in the Box, and take all my property and broke everything and put shit in all my property, and did the same shit what there did to me before put shit in the food then some times they didn't give me food, and send the pictures of my car and Incident reported for medical to the Court.

For the reason Co. Steven Purcell Sr. and Co. Steven Purcell Jr. and Clifford Gunsett need to be put back in this law suit is because, they was running around trying to get inmates and officer to get me hurt and did get me hurt, buy trying inmates that Zam Rapo and He is the son of Berry Gordy Jr. and He is Rat and Gunsett set my cell on fire when Z was House, is A-Block A-2-70, and Purcell Sr. ^{his son to} had jump me, and He did to with Gunsett all this is because the law suit for before

For the reason the Commissioner ~~is~~ Anthony Annucci be put back in this law suit is because He was aware of everything that was going on with and did nothing about it, letters complaint for me my family, and Grievance and phone call and He send a letter back saying deal with the facility, if the facility was dealing with it then Z would have never wrote them and He is th Head DOCS

Injuries

Back
arm
leg
mind

they are life Injuries

C.C.
AG
Court

I am asking the Court to send a copy of the ~~to~~ the Third amended complaint I send them a copy of the complaint is writing but I didn't have a copy of the copy, the first complaint I put in because I cannot make copy when I am not getting the law library in the Box. they are denied me the law library and everything ever but I do get a Shower for time to time judge I did what I can but this case need to go to trial it is very bad for me now.

Thank you

#01A0717

Carl Brown

I put the 2 Complaint together

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Carl Brown,

Plaintiff,

-Against-

AMENDED
COMPLAINT
Under the Civil
Rights Act,
42 U.S.C. § 1983

Former, Supt of Green Haven Thomas Griffin,
Co. Zikiya Reyes-Jordan, Lt. Susan Hann,
Supt. LaManna; Lt. Bucolo, DSS A. Russo,
C.O. Daniel Huttel, C.O. Clifford Gunset, C.O. Steven
Purcell, C.O. James Garcia, C.O. Keith Daishawn,
C.O. Jeffery Bengim, Dr. Yelena Korobkova,
C.O. Fonseca, C.O. Robert Womacsko, Sgt. Dennis
Benitez Jr., Lt. Byran P. Anspach, C.O. Damon M.
Ausman, C.O. Craig F. Doyle, C.O. Christina Lorenzo,
Captain Bey, Lt. Robert Hotaling, and Anthony Annucci,
acting commissioner for DOCCS.

Jury trial(X)Yes ()No

19-CV-02296-NRS

Defendants.
-----X

I. Parties in this complaint:

- A List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Carl Brown- ID # 01A0717
Current Institution Sullivan Correctional Facility
Address 325 Riverside drive, Fallsburg, N.Y. 12733

- B List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Former, Supt of Green Haven Thomas Griffin Shield #
Where Currently Employed
Address 594 State Route, 216, Stormville, N.Y. 12582

Defendant No. 2 Name Co. Zikiya Reyes-Jordan Shield #
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 State route, 216, Stormville, N.Y. 12582

Defendant No. 3 Name Lt.Susan Hann, Shield #
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 State route, 216, Stormville, N.Y. 12582

Defendant No. 4 Name Supt. LaManna Shield #
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 State route, 216, Stormville, N.Y. 12582

Defendant No. 5 Name Lt. Orazio Bucolo Shield #
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 State route, 216, Stormville, N.Y. 12582

Defendant No. 6 Name DSS A. Russo Shield #
 Address 594 State route, 216, Stormville, N.Y. 12582

Defendant No. 7 Name C.O. Daniel Hutte Shield #
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 State route, 216, Stormville, N.Y. 12582

Defendant No. 8 Name C.O. Clifford Gunset Shield #
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 State route, 216, Stormville, N.Y. 12582

Defendant No. 9 Name C.O. Steven Purcell, Jr. Shield #
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 State route, 216, Stormville, N.Y. 12582

Defendant No. 10 Name , C.O. James Garcia Shield #
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 State route, 216, Stormville, N.Y. 12582

Defendant No. 11 Name C.O. Keith Daishawn Shield #
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 State route, 216, Stormville, N.Y. 12582

Defendant No. 12 Name C.O. Jeffery Bengim Shield #
 Where Currently Employed Green Haven Corr. Fac.

	Address 594 State route, 216, Stormville, N.Y. 12582	
Defendant No. 13	Name Dr. Yelena Korobkova	Shield #
	Where Currently Employed Green Haven Corr. Fac.	
	Address 594 State route, 216, Stormville, N.Y. 12582	
Defendant No. 14	Name C.O. Fonseca	Shield #
	Where Currently Employed Green Haven Corr. Fac.	
	Address 594 State route, 216, Stormville, N.Y. 12582	
Defendant No. 15	Name C.O. Robert Womacsko	Shield #
	Where Currently Employed Green Haven Corr. Fac.	
	Address 594 State route, 216, Stormville, N.Y. 12582	
Defendant No. 16	Name Sgt. Dennis Benitez Jr.	Shield #
	Where Currently Employed Green Haven Corr. Fac.	
	Address 594 State route, 216, Stormville, N.Y. 12582	
Defendant No. 17	Name Lt. Byran P. Anspach	Shield #
	Where Currently Employed Green Haven Corr. Fac.	
	Address 594 State route, 216, Stormville, N.Y. 12582	
Defendant No. 18	Name C.O. Damon M. Ausman	Shield #
	Where Currently Employed Green Haven Corr. Fac.	
	Address 594 State route, 216, Stormville, N.Y. 12582	
Defendant No. 19	Name Craig F. Doyle	Shield #
	Where Currently Employed Green Haven Corr. Fac.	
	Address 594 State route, 216, Stormville, N.Y. 12582	
Defendant No. 20	Name C.O. Christina Lorenzo	Shield #
	Where Currently Employed Green Haven Corr. Fac.	
	Address 594 State route, 216, Stormville, N.Y. 12582	
Defendant No. 21	Name Captain Bey	Shield #
	Where Currently Employed Green Haven Corr. Fac.	
	Address 594 State route, 216, Stormville, N.Y. 12582	
Defendant No. 22	Name Lt. Robert Hotaling.	Shield #
	Where Currently Employed Green Haven Corr. Fac.	
	Address 594 State route, 216, Stormville, N.Y. 12582	

Defendant No. 23 Name Anthony Annucci, acting commissioner for DOCCS.
 Where Currently Employed DOCCS.
 Address 1220 Washington Ave. Albany, N.Y. 12226

Defendant No. 24 Name C. Steven Purcell Sr.
 Where Currently Employed Green Haven Corr. Fac.
 Address 594 State Route, 216, Stormville, N.Y. 12582

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the event rise to your claim(s) occur?

Green Haven Corr. Fac. 594 State route, 216, Stormville, N.Y.
12582

B. Where in the institution did the events giving rise to your claim(s) occur?

H-Block, B-Block and B-Block hallway, E-Block A-Block, all of which
occurred within the Green Haven Corr., Fac.

C. What date and approximate time did the events giving rise to your claim(s)

While being housed at the Green Haven Corr. Fac. From 2016 until 2018

D. Facts: Upon rerunning back to DOCCS Green Haven Corr. Fac. Plaintiff was
violated, harassed, and deprived of certain liberties while under the care and custody
of the Green Haven Corr. Fac. Officials. Plaintiff was first placed in the H-Block cell
unit where on or about 2016-2018, C.O. Gunset, who was the subject of the first 42
U.P.D. § 1983 claim, began to harass plaintiff after being returned to Green Haven
Corr. Fac. Where plaintiff should not have been placed due to the first incident that

resulted in a settlement against C.O. **Gunset** and others. A claim that involved plaintiff's criminal history and crimes charged by the state of New York, charges, and crimes plaintiff did not commit. While being housed in the Green Haven Corr. Fac. Reception unit H-Block. C.O. **Purcell Sr.**, whose known for assaulting inmates and harassment, son C.O. **Purcell Jr.**, the son of C.O. **Steven Purcell Sr.**, a close friend and co-worker to C.O. **Gunset**, began to harass plaintiff until plaintiff was moved to another housing location on the same day plaintiff arrived at the Green Haven Corr. Fac. Both **Steven Purcell, Sr. and jr.** continuously uttered specific matters involving plaintiff's criminal case and the details thereof, out loud for the inmate population to hear about the crimes plaintiff was charged with. Thereby creating and causing a disturbance and placing plaintiff's life in danger. Then C.O. **Daniel Huttel** got involved and began to utter matters of plaintiff's criminal history and ousting plaintiff as being the son of a famous person **Mr. Berry Gordy**, creating a situation where plaintiff would be subjected to extortion, etc. After being moved from that location being labeled by the first staff members as person to harass, Then on or about 1/30/17, the harassment started with C.O. Reyes, whose now (Reyes-Jordan). C.O. **Reyes-Jordan**, while escorting the housing unit, claimed that I violated a DOCCS rule by blurting out an obscene statements to her and issued me a DOCCS Misbehavior report dated: 1/30/17, with C.O. **James Garcia** as a co-signer to the incident getting involved with the harassment as well. This was ultimately dismissed by **Lt. Hann**, who presided over the DOCCS Tier II hearing proceeding. On or about 5/3/17 **Lt. Bucolo**, issue a false statement against plaintiff during the hearing proceeding for C.O. **Reyes**. Stating that plaintiff uttered words that was not uttered,

in violation of DOCCS Employees Manual and tried to get plaintiff a guilty determination on the false charges stemming from C.O. Reyes. Lt. Bucolo was previously named in a prior lawsuit as well as Gunest, but was dismissed as a defendant. C.O. James Garcia then became so involved that he attempted to assault me at the direction of Officer Reyes-Jordan, by turning off the cell water and isolating plaintiff for the assaults. Which were documented and complaints filed with the facility administrative personnel. Plaintiff was then moved from the housing unit where Officer's Reyes-Jordan and Garcia worked to another location. On or about 2016-2018, C.O. Keith Daishawn, took plaintiff's inmate identification card and burnt it, sexually assaulted plaintiff twice, and verbally harassed plaintiff with threats of violence, etc. Plaintiff was then move to a new location and at that new location C.O. Reyes-Jordan, being escorted by Reyes-Jordan, who then had all of the inmate on the unit helping with cell clean up, prior to moving in the cell to locked in their respective cells, and ordered plaintiff to lock in his cell and then C.O. Reyes-Jordan kicked plaintiff over the inmate property locker and re-injured plaintiff's arm which was in a sling already. Medical was notified and the matter was documented. Lt. Hann, being advised of the harassment from C.O. Reyes-Jordan, then wrote a false report stating that plaintiff was going to assault C.O. Reyes-Jordan, assuming to having plaintiff removed for his safety, caused more harm to plaintiff down the line. A tactic normally used by prison officials when they witness or having knowledge of future attacks being planned on inmates. However the reported misconduct issued against plaintiff and heard by Lt. Hann, was also ultimately dismissed at the Superintendent's Tier III hearing. While being investigated and the commencement

of the Tier III Superintendent's Hearing being conducted by **Lt. Hann**, On or about 65/12/17-6/7/17. **Lt. Hann** , after conducting the hearing on the false charges filed against plaintiff, also issued a false report. Citing plaintiff for having issued threats against C.O. **Reyes** on 5/3/17, to compound the authoritative abuse by staff at Green Haven Corr. Fac. Both reports were combined by DOCCS Main Review Office and were reversed two months later. Sometime within plaintiff serving the sentence imposed from 5/3/17, plaintiff was then issued a third report by **Lt. Robert Hotaling**, that cited plaintiff for having issued threats against this official, but was based upon plaintiff's right to petition the Government, where plaintiff filed a complaint against **Lt. Hann** for the false report **Lt. Hann** issued in retaliation for C.O. **Reyes**. Plaintiff was then moved to a new location from B-Block to E-Block and while plaintiff was awaiting the inmates assigned to clean the new cell C.O. Reyes directed plaintiff to enter a dirty cell. Plaintiff initially gave resistance because his property would be left outside the cell as he would be locked in the cell, due to C.O. Reyes rushing plaintiff inside the cell, which plaintiff could not do because his arm was in a sling and injured, Plaintiff requested more time, However, complying with the order plaintiff entered the cell and C.O. Reyes kicked plaintiff in his back causing re-injury to his arm and shoulder. That incident was reported to medical and documented. All of which are listed in documents dated from Feb-25-thru May 2018. Thereafter on or about February, 2017- throughout, C.O. **Womacsko**, and C.O. **Craig Doyle**, began to harass plaintiff by shouting out matters of plaintiff's case and posting plaintiff's picture in housing unit and sexually assaulted plaintiff on two occasions. Which was also documented and reported to administrative personnel? All reports were directed

Sergeant **Byran Anspach**, who failed to act along with all other administrative personnel. At which point plaintiff's cell was set ablaze while plaintiff was outside in the facility yard and no other persons were on the housing unit besides officer. Where plaintiff witnessed C.O. **Gunset** who was the subject of complaint, toss a let object into the cell, setting it ablaze. Plaintiff was then moved to a new location. Thereafter C.O.'s **Lorenzo** and **Ausman** started harassing plaintiff after plaintiff was moved to B-Block. with the same line of abuse and complaints were filed as well as a sexual harassment complaint against **Ausman**. Also while housed in B-Block plaintiff's cell was set afire while plaintiff was on a visit with his family. Which caused him to be moved from that unit in B-Block to A-Block in the I.P.C. Unit-(i.e. protective Custody), from where the harassment started with **Reyes-Jordan** and **Garcia**. Therafter C.O. **Jeffery Bengim**, sexually assaulted plaintiff on 6-6-17, while plaintiff was being pat frisked by him in B-Block corridor, and then issued a false Misbehavior report against plaintiff in retaliation after the sexual assault. Where plaintiff was found guilty of all violations. Plaintiff was then moved to the facilities protective Custody Unit based upon the harassment and he cell being set ablaze twice now. While in the Protective Custody Unit where C.O. **Ausman** and **Fonseca** began to convey to the inmates housed in that unit that I was a racist and were encouraging them to assault plaintiff, as they would direct the reports to state that plaintiff was the aggressor in the situation in hopes of having plaintiff them moved to the facility's Special Housing Unit out of population-(Inmate protective Custody). On 12-1-18 plaintiff was then beaten an inmate who sucker punched from behind and then plaintiff was beaten by staff and sprayed plaintiff with his pepper spray while

plaintiff was handcuffed against the wall and then C.O. Fonseca stabbed plaintiff in the arm and punched plaintiff in the face, discarded all plaintiff's personal property which did not leave the unit with plaintiff after he was assaulted and medical got involved. All of which was documented by medical in various reports. On or about December 12, 2018, Sergeant Dennis Benitez Jr. after being advised that plaintiff was being harassed and that possibly assaults have been ordered, failed to act and allowed plaintiff to be assaulted, property destroyed by staff. Who were the only people near plaintiff's personal property while plaintiff was off the secured housing unit-(i.e. Protective Custody). Plaintiff was then moved to the facility's special housing unit under the guise that plaintiff was then required to be separated from the entire inmate population. When the harassment was the direct result of staff's doing, not the inmate population, which had nothing to gain or any knowledge of plaintiff's criminal history, prior to staff harassment. Plaintiff On or about July of 2016, Dr. Yelena Korobkova, continuously denied plaintiff medical attention after being assaulted by staff and discontinued medically prescribed and permitted items necessarily used to maintain mobility. As well as failing to adequately record and report major issues of concern. Plaintiff, while being harassed and subjected to cruel and unusual punishment by Green Haven Corr. Fac. Staff member, letters and complaints were filed to the offices of the following DOCCS Administrative personnel whom failed to act accordingly and caused plaintiff to be subjected to further harm. Harm that could have been prevented had adequate reviews and investigation been conducted-(i.e. DSS A. Russo, was issued letters of assistance request during the process dated: 5-27-17, 1-3-19,12-18-18,12-26-18,1-30-17,12-25-18, additional

letters will be disclosed at a later date if required; Supt. LaManna, letters were issued on, 10-25-18,4-27-18,4-1-18,10-25-18,10-21-18,10-25-18,1-10-19,12-30-18; Supt. T. Griffin was issued letters on, 8-15-17,8-8-17,12-1-18,6-6-17,6-6-17,10-15-18,11-28-17,8-16-17,among others to be disclosed; Captain Bey was issued letters on,11-19-18,12-16-19,12-16-18,9-9-18,1-14-19,1-7-18,4-27-18 ,9-30-18, 8-12-18, among others to be disclosed; DOCCS PREA-Prisoner Rape Elimination Act, Officials were also contacted about the sexual assaults); DOCCS Commissioner Anthony Annucci being in charge of every person housed and employed within DOCCS by the function of Correction law, was issued letters on, 12-1-18 plaintiff's spouse contacted his office,12-6-18 additional letters were mailed by plaintiff's spouse-Plaintiffs letters on,12-30-18,4-15-18,12-7-17,10-1-17,11-19-18,8-16-17,8-25-18,12-6-18, among others to be disclosed;. On or about April 2016-2018, Plaintiff also contacted the New York State Governor Hon. Andrew Cuomo, who advised DOCCS officials to respond to the allegation, which were met with no resolve at the end of each determination. Inmate grievance complaints were filed on the sexual abuse, religious deprivation, property loss, inmate assaults, verbal harassment, staff assault, cell set on fire, loss legal work, loss personal photos, tampering with food, etc.-however are too voluminous to ascribe each date a grievance that was filed but will be disclosed at the courts direction. As well as inmate Affidavits as witnesses to the assaults from 5-3-17, etc.). All of which complaint directed that plaintiffs constitutional rights were being violated under the First Amendment, Fifth Amendment, Sixth Amendment, Eighth Amendment First, and the Fourteenth Amendment

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Based upon the foregoing plaintiff was subjected to loss of property, physical assault by an inmate as being stabbed by staff while handcuffed on the wall after inmate had assaulted plaintiff. After such assaults, several housing locations, (i.e. cells were plaintiff had been newly assigned and previously assigned had been set afire). Plaintiff suffered being assaulted by an inmate at the direction of staff and based upon the harassment and verbal abuse by staff. Plaintiff was denied adequate medical care by facility medical department, which also attempted to cover up the sexual and physical assaults. All of which was caused DOCCS employees who disseminated the details and particulars and matters outlined in the criminal charges filed against plaintiff to get plaintiff assaulted by inmates, which gave staff the ability and close proximity to assault plaintiff as well. Violations carried out by DOCCS employees in violation of DOCCS rules and regulations Employees Manual, as well as Corrections Law, which employees must follow. The Administrative Personnel's failures to protect plaintiff, his property and placed his life in danger by the acts of abuse. Plaintiff's right to petition the government was hinder, after the vast majority of the grievances and complaints filed, received little or no attention or full and adequate investigations prior to them being dismissed, when proof was offered. Each supervising personnel that was placed on notice and failed to act in accordance with

the rules and regulations of DOCCS, or Correction Law. Likewise, DOCCS having knowledge of the first 42 U.P.D § 1983, should not have returned plaintiff to the Green Haven Corr. Fac. Where these same acts of violence were carried out and legal determinations of a settlement was reached based upon those findings of clear cut violations against plaintiff, by the same DOCCS employees (i.e. C.O.'s Gunset, Purcell and others), that were involved in the first suit and started the harassment all over again once plaintiff arrived in the facility again. Where staff had abused its authority and caused plaintiff bodily harm, as well as a lost of property at plaintiff last placement in the Green haven Corr. Fac..

IV. Exhaustion of Administrative Remedies:

The Prisoners Litigation Reform Act ("PLRA"), 42 U.S.C. §1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted". Administrative remedies are also known as grievance procedures.

A. Did you claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Green Haven Corr. Fac. 594, State Route, 216, Stormville, N.Y. 12582.

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes X No ____ Do Not Know ____

If YES, which claim(s)? Failures to Protect, lost of property, Inmate Assault and Staff Assaults, all of which can and was grieved and no action taken.

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes X No ____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

All grievances were filed within the facility and appealed to DOCCS main office as well as the formal complaints. That outlined plaintiff constitutional rights had been violated while under the care custody and control of DOCCS.

1. Which claim(s) in this complaint did you grieve? All of the outlined issues prior to the assaults. Constitutional violation on both state and Federal levels, as well as DOCCS rule and regulation violations.

2. What was the results, if any? Nothing was done. Plaintiff was eventually moved after the assaults had happened.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. All complaints were appealed to the highest level within DOCCS, additional copies were mailed to the N.Y.S. Governors office as well, outlining the violation that occurred while plaintiff was housed, incorrectly back at the Green Haven Corr. Fac.. This placed each and every person authorized and responsible to act, on notice of the violations prior to the physical assaults carried out on plaintiff.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state whom you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative

remedies. Several calls were placed to the Commissioner of DOCCS Mr. Anthony Annucci, who is responsible for the overall supervision of DOCCS facilities. In addition, to the N.Y.S. Governors office requesting assistance and to be removed from the Green Haven Corr. Fac. facility. All of which complaints and request had never been reviewed adequately. It was not until the second physical attack that plaintiff was moved from Green Haven Corr. Fac. To another DOCCS facility. Setting forth that plaintiff's Constitutional rights had been violated and that DOCCS rule and regulation had been violated by staff and inmates alike.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount. Plaintiff seeks monetary and compensatory damages for the constitutional violations, Injunctive relief not to be further harassed and violated while under DOCCS care custody and control, in the amounts of: Five million Dollars-(5,000,000) As well as punitive sanctions and/or removal of staff members found to have violated the law as well, to be fired from further employment within DOCCS

VI. Previous Lawsuits:

On
these
claims

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes X No ____

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Carl Brown

Defendant's C.O. Greg Austin, C.O. Clifford Gunset, C.O. Daniel Huttel, Andrew Shombo, Sgt. David Matyas, C.O. Steven Purcell Sr., and Thomas Griffin, employed as the Green Haven Corr. Fac. Captain

2. Court (if federal court, name the district; if state court, name the county) Southern District of New York

3. Docket or Index number 05-CV-9443, 2007 WL 2907313

4. Name of Judge assigned to your case Hon. P. Kevin Castel

5. Approximate date of filing lawsuit received October 5, 2005 and filed in November 2005 6.

Is the case still pending? Yes ☐ No ☒

If NO, give the approximate date of disposition 6/23/2010

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) Judgment was issued in plaintiff's favor by settlement and an award was issued.

On
other
claims

C.. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☐ No ☒

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff

Defendant's

2. Court (if federal court, name the district; if state court, name the county)

3. Docket or Index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending? Yes t No _____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed?
Was there judgment
in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20____.

Signature of Plaintiff Carl Brown

Inmate Number 01A0717

Institution Address Sullivan Corr. Fac.

325 Riverside Drive

P.O. Box 116

Fallsburg, N.Y. 12733

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and address.

I declare under penalty of perjury that on this ____ day of 19, 2022, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Carl Brown

GREAT MEADOW CORRECTIONAL FACILITY

BOX 51

COMSTOCK, NEW YORK 12821-0051

NAME: Carl Brown DIN: 01A0717

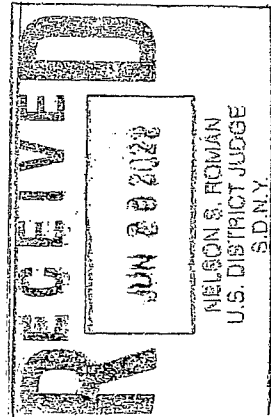
Great Meadow

NEO POST

06/21/2022

FIRST-CLASS MAIL

USPS ~~0.19~~ \$001.76⁰



Correctional Facility

ZIP 12821

041M11283103

To: Hon. Nelson S. Roman
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, N.Y. 10601

LEGAL MAIL

NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
OFFENDER CORRESPONDENCE PROGRAM

NAME: Carl Brown DIN: 01A0717